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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,175	03/17/2006	Michael Stewart Butts	ICTS0101PUSA	3924

22045 7590 07/06/2007

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EXAMINER	
SAFAIPOUR, BOBBAK	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
07/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,175	BUTTS ET AL.	
	Examiner	Art Unit	
	Bobbak Safaipour	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 March 2006* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/20/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 6/20/2006 has been considered by the Examiner and made of record in the application file.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Goldberg (US 2003/0085808 A1)** in view of **Hochstein et al. (US 5,543,797).**

Consider **claim 1**, Goldberg discloses a communications system for mobile units within a facility comprising a central controller (figure 1; paragraph 30; Central server 102), a plurality of wireless base stations (figure 1; paragraph 30; Remote stations 106, 108, 110, and 128), said base stations being distributed throughout the facility for wireless communication with said controller and said mobile units (figure 1; paragraphs 30-40), said controller configuring said base stations into a plurality of micro-cells each including at least two base stations such that at least one base station in each micro-cell is a member of another micro-cell (figure 1; paragraphs 30-40), at least one base station is able to communicate with the central controller (figure 1; paragraphs 30-40) and all mobile units within a selected area of the facility are able to communicate with at least one base station (figure 1; paragraph 36; The location of the mobile communication device 101 is tracked using a number of location antennas 150 to 162).

Goldberg fails to disclose a plurality of wireless base stations having an adjustable transmission power.

In related art, Hochstein et al. discloses a plurality of wireless base stations having an adjustable transmission power. (col. 5, lines 30-40; col. 6, lines 3-26; col. 7, lines 6-12; col. 8, lines 25-30; col. 9, lines 47-56; col. 14, lines 11-22)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings Hochstein et al. into the teachings of Goldberg to prevent power depletion.

Consider **claim 11**, Goldberg discloses a method of wireless communication between a central controller (figure 1; paragraph 30; Central server 102) and mobile units within a facility via a plurality of base stations (figure 1; paragraph 30; Remote stations 106, 108, 110, and 128)) distributed throughout the facility for wireless communication with said controller and said mobile units comprising configuring the base stations into a plurality of micro-cells each including at least two base stations (figure 1; paragraphs 30-40) such that at least one base station in each micro-cell is a member of another micro-cell (figure 1; paragraphs 30-40), at least one base station is able to communicate with the central controller (figure 1; paragraphs 30-40) and all mobile units within a selected area of the facility are able to communicate with at least one base station (figure 1; paragraph 36; The location of the mobile communication device 101 is tracked using a number of location antennas 150 to 162).

Goldberg fails to disclose a plurality of wireless base stations having an adjustable transmission power.

In related art, Hochstein et al. discloses a plurality of wireless base stations having an adjustable transmission power. (col. 5, lines 30-40; col. 6, lines 3-26; col. 7, lines 6-12; col. 8, lines 25-30; col. 9, lines 47-56; col. 14, lines 11-22)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings Hochstein et al. into the teachings of Goldberg to prevent power depletion.

Considers **claims 2 and 12**, and **as applied to claims 1 and 11, respectively, above,** Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein each micro-cell includes at least two base stations that are members of other micro-cells. (Goldberg: figure 1; paragraphs 30-40)

Considers **claims 3 and 13**, and **as applied to claims 2 and 12, respectively, above,** Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein each micro-cell includes from three to six base stations. (Goldberg: figure 1; paragraphs 30-40)

Considers **claims 4 and 14**, and **as applied to claims 1 and 11, respectively, above,** Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein the base stations periodically transmit a message including a unique identification code. (Goldberg: paragraphs 11, 15-19)

Considers **claims 5 and 15**, and **as applied to claims 4 and 14, respectively, above,** Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein said message includes a measure of the transmitting power of the base station.

(Hochstein et al.: col. 5, lines 30-40; col. 6, lines 3-26; col. 7, lines 6-12; col. 8, lines 25-30; col. 9, lines 47-56; col. 14, lines 11-22)

Considers **claims 6 and 16**, and **as applied to claims 1 and 11, respectively, above,** Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein each base station maintains a list of signals received from other base stations. (Goldberg: paragraph 36)

Considers **claims 7 and 17**, and **as applied to claims 1 and 11, respectively, above,** Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein the base station transmission power is adjusted to provide minimal overlap of base stations between micro-cells. (Hochstein et al.: col. 5, lines 30-40; col. 6, lines 3-26; col. 7, lines 6-12; col. 8, lines 25-30; col. 9, lines 47-56; col. 14, lines 11-22)

Considers **claims 8 and 18**, and **as applied to claims 1 and 11, respectively, above,** Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein the base stations each have a known location and the micro-cells have a relatively small area compared to selected area of the facility. (Goldberg: figure 1; paragraphs 30-40)

Considers **claims 9 and 19**, and **as applied to claims 1 and 11, respectively, above,** Goldberg, as modified by Hochstein et al, discloses a method and communications system for locating and messaging to a mobile units in a facility. (Goldberg: abstract)

Considers **claims 10 and 20**, and **as applied to claims 9 and 19, respectively, above,** Goldberg, as modified by Hochstein et al, discloses a method and communications system wherein the mobile units include a transceiver for receiving and sending signals, a display device for displaying messages, a power source and at least one user interface for accepting an input. (Goldberg: figure 2; paragraphs 41-43)

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipour
B.S./bs

June 21, 2007

EDAN ORGAD
PRIMARY PATENT EXAMINER
6/18/07